

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TREVELL BUCEAN WILSON,
Plaintiff,
v.
TODD MANNING, et al.,
Defendants.

No. 2:21-cv-1801 DAD AC P

FINDINGS AND RECOMMENDATIONS

Plaintiff, a state prisoner, is proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has filed an in forma pauperis affidavit in which he states that he has \$1,100 at his disposal. ECF No. 2. A prisoner trust fund account statement also reflects that plaintiff has maintained an account balance ranging between \$1,041 and \$1,751 in the four months preceding the initiation of this action.

In order to commence an action, plaintiff must file a complaint as required by Rule 3 of the Federal Rules of Civil Procedure, and plaintiff must either pay both the \$350.00 filing fee and the \$52.00 administrative fee for a civil action, or file an application requesting leave to proceed in forma pauperis.¹ See 28 U.S.C. §§ 1914(a), 1915(a). The court may authorize the

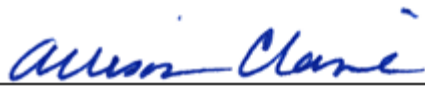
¹ If leave to file in forma pauperis is granted, plaintiff will still be required to pay the \$350.00 filing fee but will be allowed to pay it in installments. Litigants proceeding in forma pauperis are not required to pay the \$52.00 administrative fee.

1 commencement of an action “without prepayment of fees or security therefor” by an individual
2 who submits an affidavit evidencing an inability to pay such fees or give security therefor. 28
3 U.S.C. § 1915(a). Plaintiff has made an inadequate showing of indigency in the affidavit before
4 the court.

5 Accordingly, IT IS HEREBY RECOMMENDED that plaintiff’s application to proceed in
6 forma pauperis (ECF No. 2) be DENIED and plaintiff be directed to submit the appropriate filing
7 fee to the Clerk of the Court.

8 These findings and recommendations are submitted to the United States District Judge
9 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days
10 after being served with these findings and recommendations, plaintiff may file written objections
11 with the court. Such a document should be captioned “Objections to Magistrate Judges Findings
12 and Recommendations.” Plaintiff is advised that failure to file objections within the specified
13 time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153
14 (9th Cir. 1991).

15 DATED: January 12, 2023

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17 ALLISON CLAIRE
18 UNITED STATES MAGISTRATE JUDGE
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